

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jerry Avesyan and Lucy Avesyan, h/w, and Marina Badalian and Suren Sarikyan, h/w

(b) County of Residence of First Listed Plaintiff Delaware County, PA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Michael O. Pansini, Esq.
Pansini & Mezrow, 1525 Locust St., 15th Floor,
Philadelphia PA. 19102. 215-732-555

DEFENDANTS

JC Transport, Inc. and Jose Ernesto Ventura

County of Residence of First Listed Defendant New Jersey
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Anne M. Manero, Esq., The Law Offices of W. Kelly McWilliams, 1515 Market St., Suite 1802, Philadelphia PA 19102. 215-446-7695

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. Section 1441, et seq.

Brief description of cause:
Personal injury- motor vehicle accident

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
In excess of \$150,000

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

12/10/2020

SIGNATURE OF ATTORNEY OF RECORD

Anne M. Manero

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 240 Paxon Hollow Road, Media PA 19063 and 631 S. Central Blvd., Broomall PA 19008

Address of Defendant: 43 Porete Avenue, North Arlington NJ 07031 and 1885 Amsterdam Ave., New York, NY 10032

Place of Accident, Incident or Transaction: Verrazano Bridge, New York, NY

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|-----------------------------|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☐ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: _____ Must sign here _____
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
☐ 2. FELA
☐ 3. Jones Act-Personal Injury
☐ 4. Antitrust
☐ 5. Patent
☐ 6. Labor-Management Relations
☐ 7. Civil Rights
☐ 8. Habeas Corpus
☐ 9. Securities Act(s) Cases
☐ 10. Social Security Review Cases
☐ 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
☐ 2. Airplane Personal Injury
☐ 3. Assault, Defamation
☐ 4. Marine Personal Injury
☒ 5. Motor Vehicle Personal Injury
☐ 6. Other Personal Injury (Please specify): _____
☐ 7. Products Liability
☐ 8. Products Liability – Asbestos
☐ 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Anne M. Manero, Esq., counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

Anne Manero

DATE: 12/10/2020 Sign here if applicable 57447
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

To the Honorable Judges of the United States District Court for the Eastern District of Pennsylvania:

Pursuant to 28 U.S.C. § 1441, Defendants JC Transport, Inc. and Jose Ernesto Ventura, by and through counsel, The Law Offices of W. Kelly McWilliams, respectfully petitions for the removal of this action to the United States District Court for the Eastern District of Pennsylvania. In support thereof, defendant states the following:

1. On November 17, 2020, Plaintiffs Jerry Avesyan and Lucy Avesyan, h/w and Marina Badalian and Suren Sarikyan, h/w instituted the above-captioned action by filing a Civil Action Complaint in the Court of Common Pleas of Philadelphia County. *[See Complaint attached hereto, made part hereof and marked as Exhibit “A”]*.
2. Plaintiffs are all citizens of the Commonwealth of Pennsylvania. *[See Exhibit “A” at ¶1-4]*.
3. Plaintiffs Jerry Avesyan and Lucy Avesyan reside at 240 Paxon Hollow Road, Media PA 19063. *[See Exhibit “A” at ¶1-2]*.

4. Plaintiffs Marina Badalian and Suren Sarikyan reside at 631 S. Central Boulevard, Broomall PA 19008. [See Exhibit “A” at ¶3-4].

5. Defendant JC Transport, Inc. is a business entity existing under the laws of the State of New Jersey with a principal place of business at 43 Porete Avenue, North Arlington, NJ 07031.

6. Defendant JC Transport, Inc. was served on November 20, 2020.

7. Defendant Jose Ernesto Ventura is an adult individual residing at 1885 Amsterdam Avenue, New York. NY 10032.

8. Defendant Jose Ernesto Ventura was served on November 30, 2020.

9. Under 28 U.S.C. § 1332(a) the district courts have original jurisdiction of all civil actions where the matter in controversy exceeds the sum of \$75,000 and is between citizens of different States. See 28 U.S.C. § 1332(a).

10. A corporation is a citizen of the state where it is incorporated and where it has its principal place of business. See 28 U.S.C. § 1332(c)(1).

11. A case may be removed based upon diversity of citizenship where none of the parties that have been properly joined and served as defendants are citizens of the State in which the action is brought. See 28 U.S.C. § 1441.

12. Plaintiff has filed a Civil Action Lawsuit against Defendants JC Transport, Inc. and Jose Ernesto Ventura, which are residents of New Jersey and New York.

13. Accordingly, as to Plaintiffs, who are Pennsylvania residents, and Defendants JC Transport, Inc. and Jose Ernesto Ventura, who are New Jersey and New York residents, diversity of citizenship exists.

14. Plaintiffs claim “ an amount in excess of Fifty Thousand Dollars” for each Plaintiff and in each count against Defendants and alleged permanent and disabling injuries. *[See Exhibit “A”]*.

15. Plaintiff Jerry Avesyan alleges severe and permanent injuries including closed-head injury, post-concussion syndrome, right rotator cuff tear, occipital neuralgia, among other alleged injuries. *[See Exhibit “A” at ¶ 16]*.

16. Plaintiff Marina Badalian alleges severe and permanent injuries including closed-head injury, traumatic brain injury, cognitive dysfunction, among other alleged injuries. *[See Exhibit “A” at ¶ 16]*.

17. Therefore, the Plaintiffs have alleged damages which exceed \$75,000.

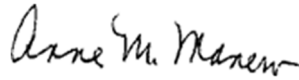
18. As such, this Honorable Court has jurisdiction pursuant to the provisions of 28 U.S.C. § 1332 based upon the fact that there exists diversity of citizenship between the Plaintiffs and Defendants, and the amount in controversy exceeds \$75,000.00.

19. The present lawsuit is removable from the Philadelphia County Court of Common Pleas pursuant to 28 U.S.C. §§ 1441 and 1446.

20. True and correct copies of this Notice of Removal, with accompanying exhibits and separate Notice to State Court of Filing of Notice of Removal, a copy of which is attached as *Exhibit B*, will be filed with the Prothonotary of the Court of Common Pleas of Philadelphia County, Pennsylvania, in accordance with the provisions of 28 U.S.C. § 1446(d), and will be served upon counsel for the Plaintiffs via the Philadelphia Court of Common Pleas e-filing system as noted in the attached certificate of service.

WHEREFORE, Defendants JC Transport, Inc. and Jose Ernesto Ventura, respectfully requests that the above captioned action be removed to the United States District Court for the Eastern District of Pennsylvania.

LAW OFFICES OF W. KELLY McWILLIAMS



BY: _____

Anne M. Manero, Esquire
PA Bar Id: 57447

*Attorney for Defendants, JC Transport, Inc.
and Jose Ernesto Ventura*

1515 Market Street, Suite 1802

Philadelphia, PA 19103

215-446-7695

anne.manero@thehartford.com

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

JERRY AVESYAN and LUCY AVESYAN, h/w,	:	
MARINA BADALIAN and	:	
SUREN SARIKYAN, h/w,	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
JC TRANSPORT, INC. and	:	NO.
JOSE ERNESTO VENTURA	:	
Defendants.	:	JURY TRIAL DEMANDED
	:	

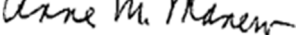
NOTICE OF FILING OF REMOVAL

To: Michael O. Pansini, Esq.
Steven M. Mezrow, Esq.
Gregory J. Kowalski, Esq.
PANSINI & MEZROW
 1525 Locust St., 15th Floor
 Philadelphia, PA 19102
 Attorneys for Plaintiffs

PLEASE TAKE NOTICE THAT on December 10, 2020, Defendants JC Transport, Inc. and Jose Ernesto Ventura filed in the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania a verified Notice of Removal.

A copy of this Notice of Removal is attached hereto and is also being filed with the Clerk of the Court of Common Pleas of Philadelphia County, pursuant to Title 28, United States Code, Section 1446(e).

LAW OFFICES OF W. KELLY McWILLIAMS

BY: 
Anne M. Manero, Esquire
PA Bar Id: 57447
*Attorney for Defendants, JC Transport, Inc.
and Jose Ernesto Ventura*
1515 Market Street, Suite 1802
Philadelphia, PA 19103
215-446-7695
anne.manero@thehartford.com

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**


JERRY AVESYAN and LUCY AVESYAN, h/w,	:	
MARINA BADALIAN and	:	
SUREN SARIKYAN, h/w,	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
JC TRANSPORT, INC. and	:	NO.
JOSE ERNESTO VENTURA	:	
Defendants.	:	JURY TRIAL DEMANDED
	:	

CERTIFICATE OF SERVICE

I, Anne M. Manero, Esquire, hereby certify that a true and correct copy of the attached Notice of Removal has been served upon the below counsel by e-filing system and/or electronic mail:

Michael O. Pansini, Esq.
Steven M. Mezrow, Esq.
Gregory J. Kowalski, Esq.
PANSINI & MEZROW
1525 Locust St., 15th Floor
Philadelphia, PA 19102
Attorneys for Plaintiffs

LAW OFFICES OF W. KELLY McWILLIAMS

BY:  _____

Anne M. Manero, Esquire
PA Bar Id: 57447
*Attorney for Defendants, JC Transport, Inc.
and Jose Ernesto Ventura*
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